

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

702-0069

STIPULATED AGREEMENT #1009

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", the County of Knox, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as County Highway 19, located near Yates City, Knox County Illinois, designated as crossing DOT 097 978E, milepost 19.38-P; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should remove the existing warning devices and install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;
- b) the Company should install a new concrete crossing surface, so that the crossing surface complies with requirements of 92 Illinois Administrative Code Part 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to remove the existing warning devices and install automatic flashing light signals and gates estimated at \$150,999, should be allocated 80% to the Grade Crossing Protection Fund (Fund), not to exceed \$120,799, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;
- b) the cost to install the new concrete crossing surface shall be 100% borne the Company as well as all future maintenance cost thereof;

Section 6 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 6th day of June, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1009 concerning improvements at the Ch-19 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Yates City, Knox County, Illinois, designated as crossing AAR/DOT # 097 978E, Milepost 19.38-P.

Executed by the County this 19th day of JUNE 2002.

KNOX COUNTY

By: Sally Kleener

Attest:

Stephen E. Bush

Illinois Commerce Commission Stipulated Agreement No. 1009 concerning improvements at the Ch-19 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Yates City, Knox County, Illinois, designated as crossing AAR/DOT # 097 978E, Milepost 19.38-P.

Executed by the Company this 20TH day of June 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Smith

Attest:

William Colonna

Illinois Commerce Commission Stipulated Agreement No. 1009 concerning improvements at the Ch-19 grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Yates City, Knox County, Illinois, designated as crossing AAR/DOT # 097 978E, Milepost 19.38-P.

Executed by the Department this 21st day of June 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

James G. Kasterlyan
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 19.38-P Inventory # 097 978E
City (N) Yates City Street CH-19 County Knox
Jurisdiction County Urban Rural X Commercial Residential
Street Surface Oil/Chip Width 21' Condition Fair
Angle 80° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill <2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair - Low. Mud</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Intersecting Roads 100' None 200' 149' Depot St
Traffic Control Devices Present Stop signs at Depot St. and CH19
ADT 250 Speed 45mph Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 4 @ 40 mph Pass. -- @ -- mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Protection AFLS

Advance Warning Signs Yes Pavement Marking No

Visibility Study

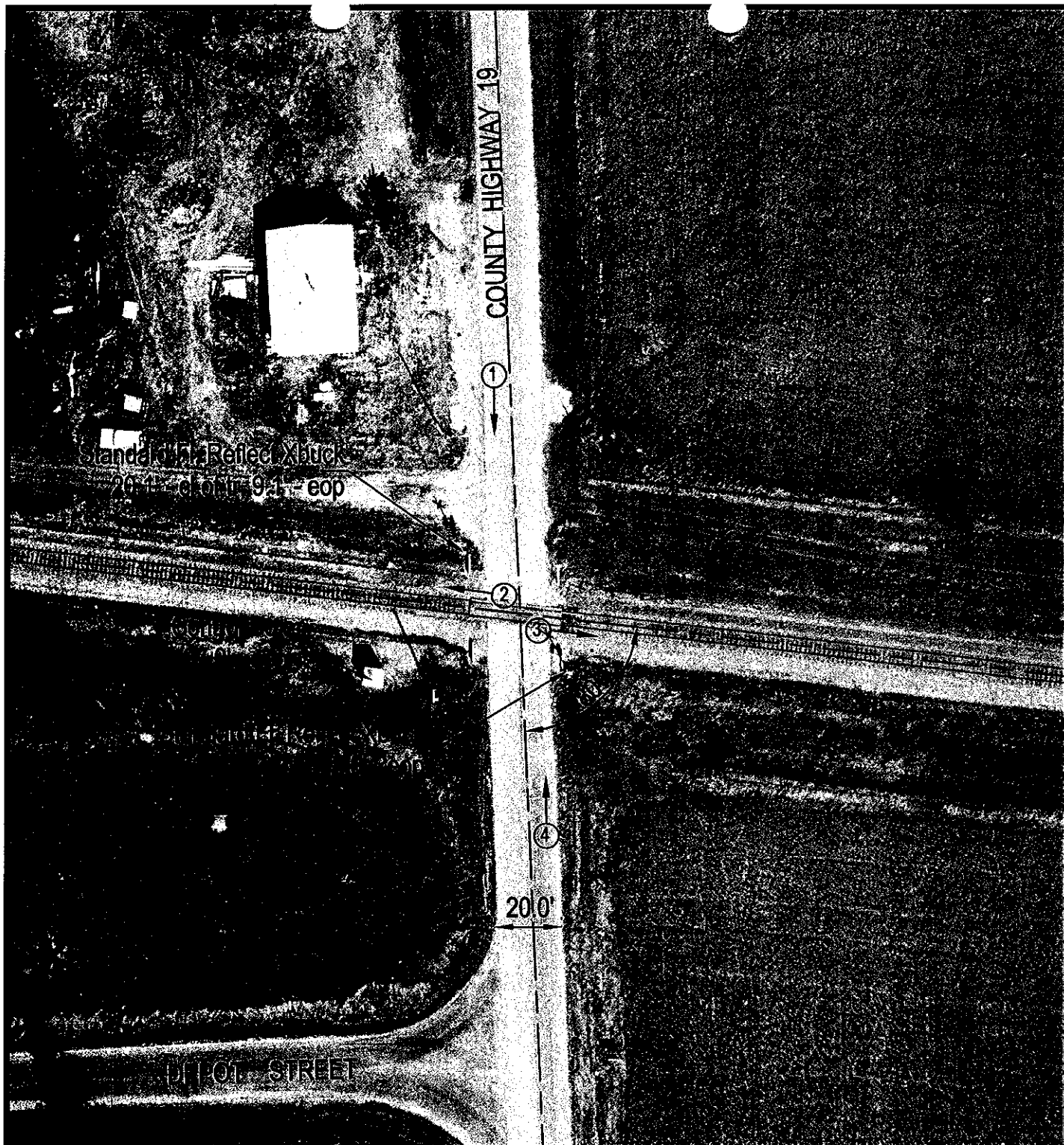
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

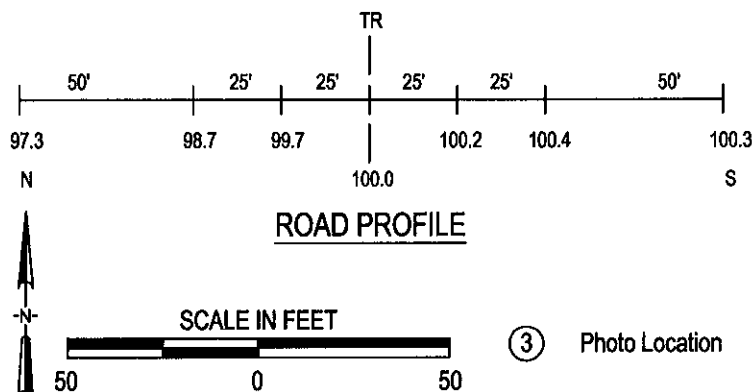
North	<u>Meets</u>	<u>92</u>	<u>%</u>	<u>Ill.</u>	<u>Adm.</u>	<u>%</u>	<u>Code</u>	<u>1535</u>	<u>%</u>
South	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>

Comments: _____

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4:14021(097978E) (097978E.DWG 03/06/01 15:03 JLA



Crossing #: 097978E

Location: Knox Co., City of Yates City (Near)

Lat/Long: 40°47'06" / 90°04'53"

Railroad: BNSF

Street: County Highway 19

Railroad Milepost: 19.38

Crossing Protection: Train Activated Devices

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION	: WEST YATES CITY	LINE SEGMENT	: 108	AFE NUMBER	:
PLANITEM NUMBER	: PSI097978E	MILEPOST	: 0019.37	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: PEORIA	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 1	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 080.00	TAX STATE	: IL COUNTY: KNOX	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULT	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381051	DEPT CODE	: MOWGH
DOT NUMBER	: 097978E			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT DOUGLAS ROAD IN YATES CITY, IL.
CHICAGO DIV., PEORIA SUBDIV., L/S 0108, MP 19.37, DOT 097978E

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS. DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 80%.
THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	12,073	0	0	0	48,292	60,365
MATERIAL COSTS	12,621	0	0	0	50,483	63,104
OTHER COSTS	5,507	0	0	0	22,023	27,530
TOTALS	30,201	0	0	0	120,798	150,999

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI097978E - 1--2S
COSTING DATE : 04/22/2002

PRINTED ON : 04/22/2002
ESTIMATED BY : CONTRACTOR
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	840.00	0.0 MH	20,045			
* LABOR SUBTOTAL							20,045	0	0	0
1120	319	400	9911	BATTERY	1.0	LS N	3,783			
1120	319	400	9911	BERM WALL, 5'X10'X10'	2.0	EA N	4,358			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,141			
1120	319	400	9911	CABLE	1.0	LS N	1,388			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	4,570			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95	2.0	EA N	10,110			
1120	319	400	9911	HXP3R SYSTEM	1.0	EA N	13,080			
1120	319	400	9911	MISC MATERIAL	1.0	LS N	2,000			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							56,951	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	50.0	CY N	1,250			
1120	367	400	9911	MACHINE RENTAL	1.0	EA N	3,120			
1120	790	400	9911	SURFACE ROCK	50.0	CY N	1,250			
* OTHER SUBTOTAL							11,620	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			11,112			
				EQUIPMENT EXPENSES			3,588			
				DA LABOR OVERHEADS			12,560			
				INSURANCE EXPENSES			3,161			
				USE TAX			3,641			
				OFFLINE TRANSPORTATION			712			
* GANG TOTAL							123,390	0	0	0
8		400	9911	SIGNAL SHOP LABOR	64.00	0.0 MH	1,341			
* LABOR SUBTOTAL							1,341	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			743			
				EQUIPMENT EXPENSES			240			
				DA LABOR OVERHEADS			840			
				INSURANCE EXPENSES			211			
* GANG TOTAL							3,375	0	0	0
8		411		ELECTRICAL LABOR F/POWER TRANS SYS	16.00	0.0 MH	348			
* LABOR SUBTOTAL							348	0	0	0
1120	790	400	9911	AC ELECTRICAL MATERIAL	1.0	EA	1,500			
* OTHER SUBTOTAL							1,500	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			192			
				EQUIPMENT EXPENSES			62			
				DA LABOR OVERHEADS			218			
				INSURANCE EXPENSES			54			
* GANG TOTAL							2,374	0	0	0
8		241		PLACE FIELD WELDS	64.00	5.7 MH	1,410			
* LABOR SUBTOTAL							1,410	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			781			
				EQUIPMENT EXPENSES			252			
				DA LABOR OVERHEADS			883			
				INSURANCE EXPENSES			222			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
* GANG TOTAL				HQWELDGANG-2M - WELDING GANG, 2 MAN			3,548	0	0	0
8	241			PLACE OTM	40.00	3.6 MH	836			
* LABOR SUBTOTAL							836	0	0	0
1120	308	200		RAIL, 132 LB NEW WELDED, PREMIUM :	80.0	LF	1,155			
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	8.0	KT	470			
* MATERIAL SUBTOTAL							1,625	0	0	0
* ADDITIVES				PAYROLL ASSOCIATED COSTS			463			
				EQUIPMENT EXPENSES			149			
				DA LABOR OVERHEADS			523			
				INSURANCE EXPENSES			131			
				MATERIAL HANDLING			39			
				ONLINE TRANSPORTATION			28			
				USE TAX			103			
				OFFLINE TRANSPORTATION			5			
* GANG TOTAL				SECGANG-3M - SECTION GANG (3 MAN)			3,902	0	0	0
PROJECT SUBTOTAL							136,589	0	0	0
CONTINGENCIES							13,658	0	0	0
BILL PREPARATION FEE							752	0	0	0
PROJECT GROSS COST							150,999	0	0	0
LESS COST PAID BY OTHERS							120,798	0	0	0
PROJECT NET COST							30,201	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- WEST YATES CITY DETAILS OF ESTIMATE PLAN ITEM: PSI097978E VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT DOUGLAS ROAD IN YATES CITY, IL.
CHICAGO DIV., PEORIA SUBDIV., L/S 0108, MP 19.37, DOT 097978E

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THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	16.00	MH	348	
PLACE FIELD WELDS	69.76	MH	1,410	
PLACE OTM	43.60	MH	836	
SIGNAL FIELD LABOR	840.00	MH	20,045	
SIGNAL SHOP LABOR	64.00	MH	1,341	
PAYROLL ASSOCIATED COSTS			13,291	
EQUIPMENT EXPENSES			4,291	
DA LABOR OVERHEADS			15,024	
INSURANCE EXPENSES			3,779	
TOTAL LABOR COST			60,365	60,365

MATERIAL				

RAIL, 132 LB NEW WELDED, PREMIUM :	80.00	LF	1,155	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	8.00	KT	470	
BATTERY	1.00	LS N	3,783	
BERM WALL, 5'X10'X10'	2.00	EA N	4,358	
BUNGALOW 6X6	1.00	EA N	5,421	
BUNGALOW MATERIAL	1.00	LS N	6,141	
CABLE	1.00	LS N	1,388	
CHARGERS	1.00	LS N	904	
FIELD MATERIAL	1.00	LS N	4,570	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95	2.00	EA N	10,110	
HXP3R SYSTEM	1.00	EA N	13,080	
MISC MATERIAL	1.00	LS N	2,000	
VIGILANT RECORDER	1.00	EA N	1,684	
MATERIAL HANDLING			39	
ONLINE TRANSPORTATION			28	
USE TAX			3,744	
OFFLINE TRANSPORTATION			717	
TOTAL MATERIAL COST			63,104	63,104

OTHER				

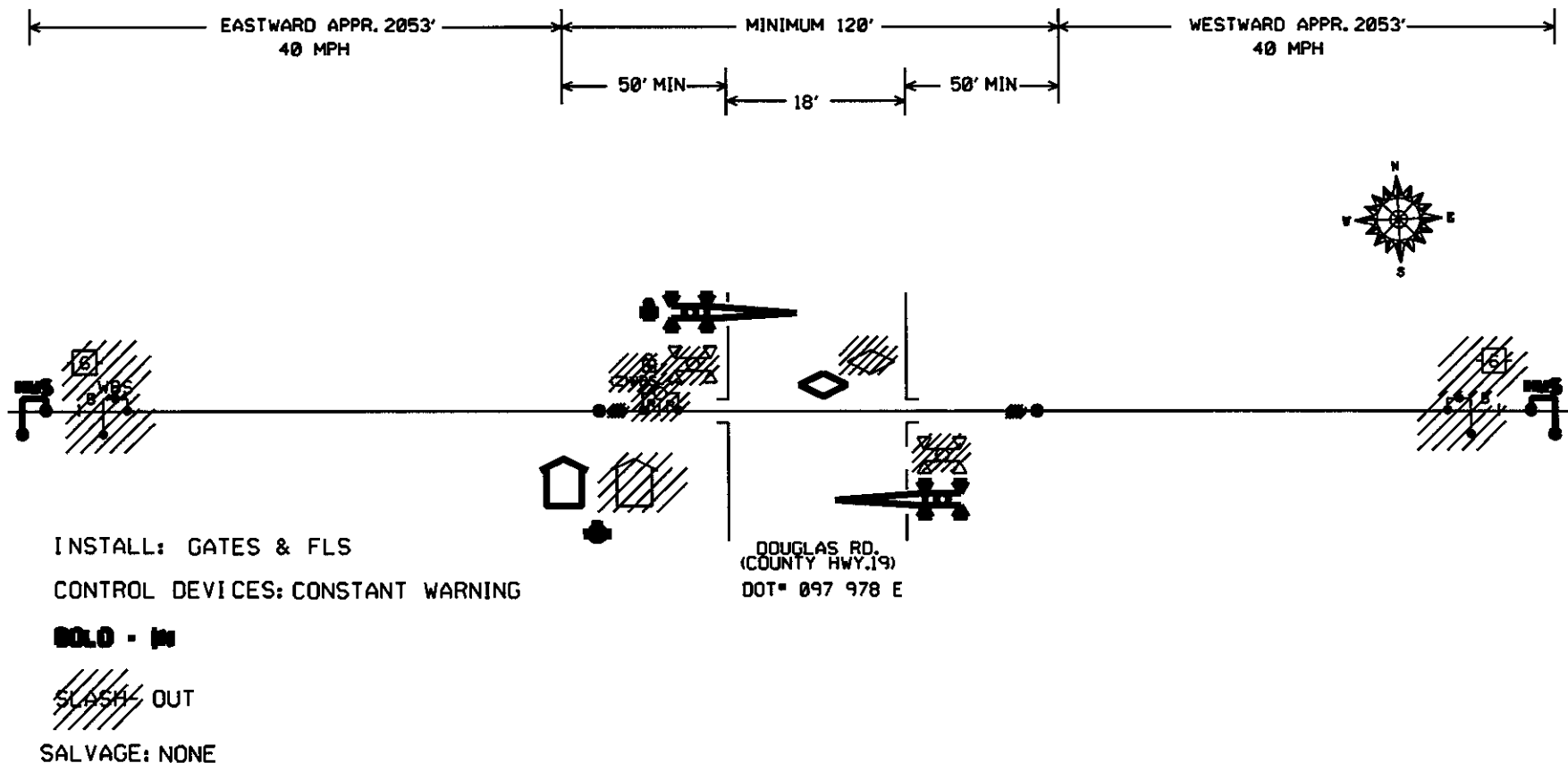
AC ELECTRICAL MATERIAL	1.00	EA	1,500	
CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	50.00	CY N	1,250	
MACHINE RENTAL	1.00	EA N	3,120	
SURFACE ROCK	50.00	CY N	1,250	

TOTAL OTHER ITEMS COST	13,120	13,120
PROJECT SUBTOTAL		136,589
CONTINGENCIES		13,658
BILL PREPARATION FEE		752
GROSS PROJECT COST		150,999
LESS COST PAID BY BNSF		30,201
TOTAL BILLABLE COST		120,798
		=====

TO GALESBURG

The Burlington Northern & Santa Fe Railway Company

TO PEORIA



- INSTRUMENT HOUSE
- ⊕ BELL
- ⊙ METER
- CROSSING CONTROL CONNECTIONS
- ▷ UNIDIRECTIONAL CROSSING CONTROL
- ◁ BIDIRECTIONAL CROSSING CONTROL
- ⊕ COUPLER OR TERMINATION
- (GUARD RAIL